

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re:

TOP LINE GRANITE DESIGN INC.¹

Debtor.

Chapter 11

Case No. 22-40216 (EDK)

**LIMITED OBJECTION TO UNITED STATES TRUSTEE'S MOTION TO
CONTINUE CONFIRMATION HEARING TO A DATE LATER THAN
SEPTEMBER 29, 2022, AND REQUEST FOR FURTHER EXTENSION
OF RELATED DEADLINES AND CONTINUANCE OF DIP FINANCING HEARING**

Top Line Granite Design Inc. (the “**Debtor**”) files this limited objection to the Motion of the United States Trustee to Continue Confirmation Hearing [Doc. No. 163] (the “**UST Motion**”). Instead of rescheduling the hearing on the First Amended Chapter 11 Plan of Reorganization For Small Business Debtor Under Subchapter V [Doc. No. 113] (the “**Plan**”) from September 1, 2022 to three weeks after the September 29 hearings on the cash collateral motion, the stay extension motion, and the investigation motion (or such other time convenient to the Court), the undersigned counsel believes that it would be more efficient to simply reschedule the Plan confirmation hearing **and** the hearing on the Debtor’s motion for debtor-in-possession financing under section 364 of the Bankruptcy Code [Doc. No. 76] (the “**DIP Financing Motion**”), also currently scheduled for September 1, 2022, to September 29, 2022. The undersigned counsel called and talked to the attorney for the US Trustee’s office before filing of this limited objection.

¹ A/k/a Design Top Line Granite, and aka Top Line Granite Design. The Debtor’s name was changed from Brazil Stones Inc. in November 2005.

1. As mentioned in the UST Motion, the Debtor filed, and the court approved, a motion to reschedule the continued hearing on the cash collateral motion, and the continued hearing on the stay extension motion from August 19, 2022 to September 29, 2022 [Doc. No. 158]. The Debtor also consented to a motion filed by the Subchapter V Trustee for the extension of the Plan objection deadline for the Subchapter V trustee, the US Trustee's Office, and Avidia Bank from August 19, 2022 to August 29, 2022 [Doc. No. 160], which the Court granted.

2. The objection deadline with respect to the investigation motion is September 15, 2022 and the Debtor's counsel intends to file a response after further discussions with the Subchapter V Trustee and/or the US Trustee's office. The Debtor also anticipates filing an amended chapter 11 plan and related exhibits that same week (by September 16, 2022) after sharing revised draft(s) with the Subchapter V Trustee so that the Debtor's counsel, the Subchapter V Trustee, and the US Trustee's office can have time to discuss whether the investigation motion is rendered moot.

3. The sooner the Court can make a determination if this Debtor's proposed Chapter 11 plan is feasible or confirmable the better for all parties in interest considering the accruing expenses of the bankruptcy process. In the event the Court decides on September 29 that additional documents and information are still needed through further investigation, then the Court can continue further the Plan confirmation hearing then.

4. Therefore, this limited objection is filed to request that the Plan confirmation hearing be continued to **September 29, 2022 at 12:00 p.m.** instead (with the other hearings).

5. In connection with such continuation of the Plan confirmation hearing, the Debtor's counsel proposes that the deadline for creditors to submit their ballots to accept or reject the Plan, which is currently August 19, 2022, be extended to **September 23, 2022 by 4:30**

p.m. so that creditors have time to review the amended Chapter 11 plan expected to be filed by September 16, 2022. Creditors that already voted do not have to resubmit ballots unless they want to change their votes.

6. The Debtor also requests that the Plan objection deadline, recently extended from August 19, 2022 to August 29, 2022 (for the Subchapter V Trustee, the US Trustee, and Avidia Bank) be further extended to **September 23, 2022 by 4:30 p.m.** for all creditors and interested parties.

7. The Debtor's counsel will serve notice of entry of any order extending the voting deadline and the Plan objection deadline on all creditors.

8. Since the Debtor and its counsel are now focusing on amendment of the Plan (including financial projections and other exhibits), and matters related to the investigation motion, the Debtor's counsel also proposes that the continued DIP Financing Motion be continued to September 29, 2022 as well.

Respectfully submitted,

TOP LINE GRANITE DESIGN INC.

By its bankruptcy counsel

RIEMER & BRAUNSTEIN LLP

/s/ Macken Toussaint

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DATED: August 15, 2022

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CERTIFICATE OF SERVICE

I, Macken Toussaint, with the law firm of Riemer & Braunstein LLP, hereby certify that, as of the date hereof, I have caused a copy of the attached **LIMITED OBJECTION TO UNITED STATES TRUSTEE'S MOTION TO CONTINUE CONFIRMATION HEARING FOR A DATE LATER THAN SEPTEMBER 29, 2022, AND REQUEST FOR FURTHER EXTENTION OF RELATED DEADLINES AND CONTINUANCE OF DIP FINANCING HEARING** to be served by first class United States mail, postage pre-paid, E-mail, and by electronic notification (ECF), as indicated, upon the interested parties listed below, and any other parties receiving electronic notification in this case.

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¹ A/k/a Design Top Line Granite, and aka Top Line Granite Design. The Debtor's name was changed from Brazil Stones Inc. in November 2005.

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/s/ Macken Toussaint

Macken Toussaint

DATED: August 15, 2022

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